

No. 22-

**IN THE SUPREME COURT
OF THE UNITED STATES**

STEPHEN LYNCH MURRAY, Petitioner

v.

JANELLE IRWIN TAYLOR, ET AL, Respondents

*On Petition for a Writ of Certiorari to the
District Court of Appeal, Fourth District
State of Florida, West Palm Beach, Florida*

PETITION FOR A WRIT OF CERTIORARI

APPENDIX

Stephen Lynch Murray, pro se
stephenmurrayokeechobee@gmail.com
+1 305.306.7385
Stephen Murray
1414 S Parrott Ave. #141
Okeechobee, FL 34974

APPENDIX

A.	FL Fourth District Court of Appeal Order Affirming Dismiss Complaint	1a
B.	FL 19th Judicial Circuit Order Dismiss Complaint With Prejudice	2a
C.	FL Fourth District Court of Appeal Denies Rehearing	15a
D.	FL Supreme Court Administratively Rejects Jurisdiction	16a
E.	First Amendment and Florida Statute 784.048	18a
F.	Fake "No Social Media" Bond Condition and Actual Warrant	22a
G.	Arrest Affidavit Using Perjury to Attack Political Speech	25a
H.	Respondents' False Article Text	32a
I.	Respondents Boast State Court Anti-1A Political VIP Privilege	34a
J.	Pinellas Sheriff Calls Petitioner Speech "toxic"	36a
K.	FL Attorney General Asserts Unlimited State Power	37a
L.	Circuit Civil Complaint	38a
M.	Dismissed Complaint Appeal Initial	61a
N.	Dismissed Complaint Appeal Reply	77a
O.	Motion for Rehearing (Denied)	81a

APPENDIX A

DISTRICT COURT OF APPEAL OF THE STATE
OF FLORIDA FOURTH DISTRICT

STEPHEN MURRAY, Appellant,

v.

JANELLE IRWIN TAYLOR, an individual,
PETER D. SCHORSCH, an individual, and
EXTENSIVE ENTERPRISES MEDIA, a Florida
LLC, Appellees.

No. 4D21-2586

[December 9, 2021]

Appeal from the Circuit Court for the Nineteenth
Judicial Circuit,
Okeechobee County;
Rebecca I. White, Judge;
L.T. Case No. 21CA000035CAAXMX.

Stephen Murray, Okeechobee, appellant.
Mark Herron of Messer Caparello, P.A., Tallahassee,
for appellees.

PER CURIAM.

Affirmed.

MAY, KLINGENSMITH and ARTAU, JJ., concur.

* * *

Not final until disposition of timely filed motion for
rehearing.

APPENDIX B

**IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR OKEECHOBEE COUNTY, FLORIDA**

STEPHEN MURRAY,

Plaintiff,

vs. Case No.: 21-CA-000035-CAAXMX

**JANELLE IRWIN TAYLOR, an individual,
PETER D. SCHORSCH, an individual, and
EXTENSIVE ENTERPRISES MEDIA, a
Florida LLC,**

Defendants.

**ORDER GRANTING DEFENDANTS' AMENDED
MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

This Cause came before the Court upon Defendants' Amended Motion to Dismiss Plaintiff's Complaint. Plaintiff filed a Complaint alleging defamation and seeking damages in excess of \$500,000. Defendants moved to dismiss the complaint pursuant to Fla. R. Civ. P. Rule 1.140(b)(1) and Fla. Stat. § 770.01. The Court has carefully considered the matter and is fully advised in the premises.

I. BACKGROUND

Plaintiff Stephen Murray ("Murray") filed the instant action against Defendants claiming defamation and alleging that he "suffered damage to his immediate and prospective future personal and business associations and relations, emotional suffering, and other losses and financial damages in excess of \$500,000." *See* Compl. ¶ ¶32-33, 38.

The Complaint alleges that Plaintiff, Stephen Murray ("Murray"), is a private citizen living in Okeechobee, Florida. *See* Compl. ¶ 1. The Complaint alleges that Defendant, Extensive Enterprises Media, LLC, is a Florida LLC with its principal office in Pinellas County, Florida; that Defendant, Janelle Irwin Taylor, an individual, is a legal resident of Pinellas County, Florida, who conducts business as an author on the website floridapolitics.com; and that Defendant, Peter D. Schorsch, an individual, is a legal resident of Pinellas County, Florida, who is the "publisher" of the website floridapolitics.com. *See* Compl. ¶ ¶2-4. The Complaint further alleges that the website floridapolitics.com, transmits files, media, and general content via the internet. *See* Compl. ¶ ¶2-4.

The Complaint alleges that Defendants published an article on its website with the headline "Okeechobee man arrested for stalking Chris Sprowls' wife." The article referenced Murray. Compl. ¶ 7. *See also* Exhibit D.¹ The article is based

¹All referenced exhibits are exhibits attached to the Complaint.

official court documents attached to the Complaint.
See Exhibit C.

According to a warrant issued against Murray, on January 6th, 2021, Murray allegedly sent an email to Phil Archer, the State Attorney for the 18th Judicial Circuit, stating: "Hey Phil, look at the attached photo. Is pimping legal in Florida? Because I am going to make the bitch in the attached photo my whore. You understand me?" *See Exhibit C pg. 7.2.* Attached to the email was a photograph of Shannon Sprowls and President Donald Trump. Mrs. Sprowls is the wife of Chris Sprowls, the current Speaker of the Florida House of Representatives. *Id.* at 8. The email was signed off "SM cops2prison.org," and records indicated that the corresponding email account is controlled by Murray. *Id.* at 8. A Twitter account alleged to belong to Murray had previously posted various tweets directed at Mr. and Mrs. Sprowls. *Id.* at 6.

On January 24, 2021, a vehicle owned by Murray entered Pinellas County, the county of residence of the Sprowls family. *Id.* at 9. Due to the fact Murray had no known associates in Pinellas County and no legitimate purpose for traveling to the county, and given his emails and Twitter posts, a warrant was requested for the arrest of Murray under charges of stalking. *Id.* 9-10. Judge Phillip Federico issued the warrant on January 24, 2021, *id.* at 1, and Murray was arrested the next day, *see Exhibit A at 1.*

On February 12, 2021, Defendant Janelle Irwin Taylor wrote a story published on the Florida Politics website detailing the criminal complaint, the warrant, and Murray's arrest. *Id.* The article in its original form made repeated references to the warrant and court records on which it relied. *Id.*

Murray contacted the Defendants on February 14th, averring that the published story contained false, inflammatory, and damaging assertions. *See Exhibit E at 1.* Murray requested specific information as to what threats he had issued, the beliefs of Judge Federico, and any supporting documentation that Murray's truck crossed the bridge as alleged. *Id.* Defendant Peter D. Schorsch replied, stating that the assertions were not made by Defendants, but by the criminal complaint upon which Defendants had relied for the story. *Id.* Murray demanded that Schorsch clean up the story with "corrections, clarifications, and retractions." *Id.*

A series of back-and-forth emails between Murray and Schorsch led to Defendants voluntarily correcting, clarifying, and retracting certain statements from the original story. *See e.g., Ex. E.* These revisions included removing a statement that Judge Federico had issued the bench warrant as he was "concerned Murray would act on his threats to the Speaker's wife" and removing the words "incendiary" and "critical" from a sentence which had stated that the cops2prison.org website contained "incendiary posts critical of the police, criminal

justice system and other institutions.” *Id.* at 4, 6. Additionally, Schorsch attached the public criminal complaint in its entirety to the article. *Id.* at 4. Despite these revisions, Murray continued to maintain that Defendants had defamed him, and that the ultimate issue is that the article stated he was arrested for stalking someone. *Id.* at 6-9.

On February 15, 2021, Murray forwarded a version of the complaint filed in this case to Schorsch. *Id.* at 8-9. Murray filed the Complaint in the above captioned case on February 17, 2021.

II. LEGAL STANDARD

A motion to dismiss is appropriate where a complaint fails to allege “ultimate facts” – the “final and resulting facts reached by processes of logical reasoning from detailed or probative facts.” *See* 40 Fla. Jur. 2d Pleadings § 25 (citing Fla. R. Civ. P. 1.110(b)(2) and *Kreizinger v. Schlesinger*, 925 So. 2d 431, 432 (Fla. 4th DCA 2006)). While “courts must liberally construe, and accept as true, factual allegations in a complaint and reasonably deductible inferences therefrom,” courts should dismiss complaints that rely on “conclusory allegations, unwarranted deductions, or mere legal conclusions.” *W.R. Townsend Contracting, Inc. v. Jensen Civil Construction, Inc.*, 728 So. 2d 297, 300 (Fla. 4th DCA 1999).

When determining whether plaintiffs have met their burden to survive dismissal, a court is

limited to the specific allegations stated on the face of the operative complaint and its attachments. *Santiago v. Mauna Loa Invs., LLC*, 189 So. 3d 752, 755 (Fla. 2016). Any contradictions between the allegations in the complaint and the attached exhibits are resolved in favor of the exhibits. *Id.* at 756 (“It is also true that exhibits attached to a complaint control over the allegations of the complaint when the two contradict each other.”) (quoting *Paladin Properties v. Family Investment Enterp.*, 952 So.2d 560, 563–64 (Fla. 2d DCA 2007)).

If a complaint cannot be amended to state a justiciable claim, the complaint should be dismissed with prejudice. *See Doe v. Am. Online, Inc.*, 718 So. 2d 385, 389 (Fla. 4th DCA 1998) (holding that the trial court did not err by not allowing the plaintiff to amend his complaint because it could not be amended to overcome the defendant's immunity from the lawsuit).

III. DISCUSSION

Plaintiff Has Failed to State a Claim Upon Which Relief May be Granted

Under Florida law, defamation requires proof of five elements: “(1) publication; (2) falsity; (3) actor must act with knowledge or reckless disregard as to the falsity on a matter concerning a public official, or at least negligently on a matter concerning a private person; (4) actual damages; and (5) statement must be defamatory.” *See Jews for Jesus, Inc. v. Rapp*, 997

So. 2d 1098, 1106 (Fla. 2008).

1. The Publication was Substantially True

Truth is a defense to defamation. *See Lrx, Inc. v. Horizon Assocs. Joint Venture*, 842 So. 2d 881, 886 (Fla. Dist. Ct. App. 4th Dist. 2003). Based upon the exhibits attached to the Complaint, the published article is substantially true and thus not libelous. *See Rasmussen v. Collier Cty. Pub. Co.*, 946 So. 2d 567, 570 (Fla. 2d DCA 2006) (“The trial court concluded correctly that the publications were substantially truthful and, consequently, not libelous.”).

While Murray claims he had not been charged with a crime at the time of his email exchange with Defendant Schorsch, and that the headline that he was arrested for stalking was false, *see* Compl. ¶¶ 20, 27, the criminal complaint attached as Exhibit C contradicts these assertions. Specifically, on page 10 of Exhibit C, the affiant, Detective Robert Weil, requested a warrant for Murray’s arrest so Murray could be “made to **answer the charges of Stalking**, pursuant to F.S. Chapter 794.048(1)(d).” (emphasis added). The exhibits are controlling. *See Santiago*, 189 So. 3d at 756.

Murray disputes the charges against him and argues that Defendants “had no interest to discover or publish the truth.” Compl. ¶ 28. Defendants, however, are under no obligation to verify the veracity of allegations in official documents, such as

a criminal complaint. *See Ortega v. Post-Newsweek Stations*, 510 So. 2d 972, 976 (Fla. 3d DCA 1987) ("The press has no duty to go behind statements made at official proceedings and determine their accuracy before releasing them.").

Here, it is true that a criminal complaint was issued against Murray for charges of stalking. *See* Ex. C at 1, 10. It is true that the same criminal complaint alleged Murray sent an email regarding Mrs. Sprowls to State Attorney Phil Archer that resulted, in part, to the charges of stalking, and alleged that a vehicle belonging to Murray crossed the Skyway Bridge into Pinellas County. *Id.* at 7, 9. The same complaint also alleged an association between the email address controlled by Murray and the website cops2prison.org. *Id.* at 6. Defendants relied specifically upon the court documents and warrant in their publication. *See* Ex. A at 2, 6. The full criminal complaint is now attached to the article and available for any individual to verify the truth of the article's claims.

As such, Murray has not shown that Defendants published any false statements against him. Defendants merely reported on the criminal complaints and the allegations contained within. Because Murray has failed to plead facts to prove an essential element of defamation, and because the exhibits attached to the Complaint show that no such facts exist, the Complaint should be dismissed with prejudice.

2. Defendants are Protected by the Fair Reporting Privilege

Florida courts acknowledge the fair reporting privilege. *See Stewart v. Sun Sentinel Co.*, 695 So. 2d 360, 362 (Fla. 4th DCA 1997). Under the privilege:

The news media has been given a qualified privilege to accurately report on the information they receive from government officials. This privilege includes the broadcast of the contents "of an official document, as long as their account is reasonably accurate and fair," even if the official documents contain erroneous information.

Woodard v. Sunbeam Television Corp., 616 So.2d 501, 502 (Fla. 3d DCA 1993).

News media will be protected by the privilege so long as a report regarding an official document is an accurate summary. *See Carson v. News-Journal Corp.*, 790 So. 2d 1120, 1122 (Fla. 5th DCA 2001); *Walsh v. Miami Herald Publishing Co.*, 80 So. 2d 669, 671 (Fla. 1955).

The article at issue details an official government document, the criminal complaint against Murray. In fact, Murray concedes that the article is based upon the criminal complaint. *See* Compl. ¶ 11. While Murray argues that the criminal complaint includes false and unfounded statements,

so long as the Defendants' account of the details of the criminal complaint is accurate, the privilege shields them from defamation, even if the document they relied upon contains erroneous information. See *Woodard*, 616 So. 2d at 502; see also *Rasmussen*, 946 So. 2d at 571 ("The trial court concluded, and we agree, that the Daily News fairly and accurately described matters of public record, including the criminal informations.... Accordingly, the fair report privilege shielded the Daily News from libel.").

Here, a comparison of the published article in its current form and the criminal complaint, attached to the Complaint as Exhibits F and C respectively, makes clear that Defendants' article accurately detailed the claims found within the criminal complaint. The criminal complaint details the context of the email concerning Mrs. Sprowls, the charge of stalking against Murray, and the association with the website cops2prison.org. While the criminal complaint does not ever state that Judge Frederico viewed the email as a threat or that any "truck was driven over a bridge with the intention to engage in prostitution," Compl. ¶ 23, it is reasonable to conclude that Judge Frederico believed the email constituted a threat as he issued a warrant for Murray's arrest.

As such, it is clear that the published article is a fair and accurate report of the official criminal complaint against Murray. Defendants are therefore shielded from any claim of defamation based upon the fair reporting privilege, and the Complaint

should be dismissed with prejudice.

Plaintiff did not Provide Requisite Notice for Correction or Retraction

Florida law requires as a condition precedent to a lawsuit for defamation concerning a publication or broadcast that a plaintiff provide at least five days' notice, in writing, to the Defendant. *See Fla. Stat. § 770.01*. The notice must specify the statements alleged to be false and defamatory. *Id.* The publisher may then correct, retract, or apologize for any misleading or false statements. *See Fla. Stat. § 770.02*.

Murray first notified the Defendants of the statements he believed defamatory on February 14, 2021. He provided notice via email. *See Ex. E*. Assuming the email constituted proper written notice, the earliest Murray date upon which he could file his lawsuit would have been February 19, 2021. On February 15, 2021, Murray forwarded a version of the complaint filed in this case to Schorsch. *Id.* at 8-9. Murray, however, filed the Complaint on February 17th, 2021.

Dismissal is appropriate when pre-suit notice has been insufficient. *See Plant Food Systems, Inc. v. Irej*, 165 So. 3d 859 (Fla. 5th DCA 2015) (affirming a dismissal with prejudice for failing to follow pre-suit notification requirements in a defamation action); *see also Canonico v. Callaway*, 26 So. 3d 53 (Fla. 2d DCA 2010) (same); *Mancini v.*

Personalized Air Conditioning & Heating, Inc., 702 So.2d 1376, 1377 (Fla. 4th DCA 1997) (finding that failure to provide notice under section 770.01 prior to commencing libel suit required dismissal).

Murray has failed to follow statutory pre-suit requirements by not providing Defendants a full five days' notice. The Complaint should be dismissed with prejudice for failing to follow mandatory pre-suit notification requirements.

IV. CONCLUSION

Accordingly, it is **ORDERED** and **ADJUDGED** that:

1. Defendants' Amended Motion to Dismiss Plaintiffs' Complaint is **GRANTED**;
2. Plaintiffs' Complaint is **DISMISSED WITH PREJUDICE**; and
3. Any other pending motions are **DENIED AS MOOT**.

DONE and **ORDERED** in Okeechobee County, Florida on this 27 day of August, 2021.



REBECCA IVY WHITE
CIRCUIT JUDGE

Copies to:

Stephen Murray
stephenmurrayokeechobee@gmail.com
Plaintiff

Mark Herron
mherron@lawfla.com
Patrick Scott O'Bryant
pobryant@lawfla.com
Cindy Lowell
clowell@lawfla.com
Counsel for Defendants

APPENDIX C

IN THE DISTRICT COURT OF APPEAL OF THE
STATE OF FLORIDA, FOURTH DISTRICT,

110 SOUTH TAMARIND AVENUE,
WEST PALM BEACH, FL 33401

January 10, 2022

CASE NO.: 4D21-2586
L.T. No.: 21CA000035CAAXMX

STEPHEN MURRAY v. JANELLE IRWIN TAYLOR,
et al.

Appellant / Petitioner(s) Appellee / Respondent(s)

BY ORDER OF THE COURT:

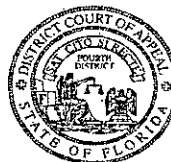
ORDERED that appellant's December 4, 2021
motion for rehearing en banc, clarification, and
written opinion is denied.

Served:

cc: Mark Herron Stephen Murray
kr



LONN WEISSBLUM, Clerk
Fourth District Court of Appeal



APPENDIX D

Filing # 142270697 E-Filed 01/19/2022 04:10:37 PM

Supreme Court of Florida
WEDNESDAY, JANUARY 19, 2022

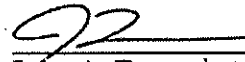
CASE NO.: SC22-81
Lower Tribunal No(s): 4D21-2586;
472021CA000035CAAXMX

**STEPHEN LYNCH MURRAY vs. JANELLE IRWIN
TAYLOR, ET AL.**
Petitioner(s) Respondent(s)

This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. See *Wheeler v. State*, 296 So. 3d 895 (Fla. 2020); *Wells v. State*, 132 So. 3d 1110 (Fla. 2014); *Jackson v. State*, 926 So. 2d 1262 (Fla. 2006); *Gandy v. State*, 846 So. 2d 1141 (Fla. 2003); *Stallworth v. Moore*, 827 So. 2d 974 (Fla. 2002); *Harrison v. Hyster Co.*, 515 So. 2d 1279 (Fla. 1987); *Dodi Publ'g Co. v. Editorial Am. S.A.*, 385 So. 2d 1369 (Fla. 1980); *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).

No motion for rehearing or reinstatement will be entertained by the Court.

A True Copy
Test:



John A. Tomasino
Clerk, Supreme Court



CASE NO.: SC22-81
Page Two

td
Served:

MARK HERRON
STEPHEN LYNCH MURRAY
HON. REBECCA IVY WHITE, JUDGE
HON. JERALD DAVID BRYANT, CLERK
HON. LONN WEISSBLUM, CLERK